UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21883
16 October 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the text of a communiqué adopted by the expanded People's Congress, which convened at Jeddah, Saudi Arabia, from 13 to 15 October 1990 and was attended by representatives of all Kuwait's political, economic and intellectual circles. The Congress affirmed its rejection of the Iraqi aggression and occupation of Kuwait, declared Iraq's claims in justification of the invasion to be spurious and void and affirmed the unity and solidarity of the Kuwaiti National Front behind its legitimate leadership, as represented by the Government of His Highness the Amir, Sheikh Jaber al-Ahmad al-Jaber al-Sabah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

Annex

Final Communiqué of the Kuwaiti People's Congress, convened from 24 to 26 Rabi' I A.H. 1411 (13-15 October A.D. 1990) at Jeddah, Saudi Arabia

Praise belongs to God, the Lord of all Being. Peace and blessings be upon the most noble of messengers, Sayyid Muhammad, and upon all his kin and companions.

God Almighty has said:

"Leave is given to those who fight because they were wronged - surely God is able to help them - who were expelled from their habitations without right, except that they say 'Our Lord is God.' Had God not driven back the people, some by the means of others, there had been destroyed cloisters and churches, oratories and mosques, wherein God's Name is much mentioned. Assuredly God will help him who helps Him - surely God is All-strong, All-mighty".

God Almighty has spoken truly.

We, the scions and representatives of all sectors, categories, official and private entities and national institutions of the Kuwaiti people,

Assembled in the Kuwaiti People's Congress, convened under the auspices of the Amir of the State of Kuwait, His Highness Sheikh Jaber al-Ahmad al-Sabah, at the invitation of His Highness the Crown Prince and Prime Minister, Sheikh Saad al-Abdullah al-Salem al-Sabah, at Jeddah, Saudi Arabia, from 24 to 26 Rabi' I A.H. 1411, corresponding to 13-15 October A.D. 1990, under the motto "Liberation ... our motto, our path, our goal",

Recalling all the events and developments which have occurred in our beloved nation, and in Arab and international forums, since the Iraqi régime carried out its treacherous act of aggression against Kuwait on 11 Muharram A.H. 1411, corresponding to 2 August A.D. 1990, occupying all its territory and subsequently announcing - in a further act of outrageous aggression - its annexation to Iraq,

Considering the address by His Highness the Amir at the opening of the Congress, the address by His Highness the Crown Prince and Prime Minister and the address delivered on behalf of participants in the Congress by Mr. Abd al-Aziz Hamad al-Saqr, all of which were adopted as official documents of the Congress and which, in accordance with the wishes of the Congress, are to serve as a basis for Government action,

Bearing in mind all our discussions and deliberations in the course of our Congress,

Have decided as follows:

1. We declare to the entire world our categorical rejection and condemnation of the Iraqi régime's occupation of our nation of Kuwait, constituting as it does a wicked act of aggression against the independent and sovereign State of Kuwait, a member of the League of Arab States and of the United Nations and other international organizations as well as a flagrant violation of all international covenants and laws, and particularly of the Pact of the League of Arab States and the Charter of the United Nations.

2. We declare to the entire world that all the claims and assertions made by the Iraqi régime to justify its criminal invasion and occupation of the independent State of Kuwait are spurious and void. We affirm our categorical rejection of these claims and assertions, which run counter to truth and reality and are confounded by history.

3. We declare to the entire world that we condemn and abhor all the acts of murder, violence, torture and terrorism which have been carried out by the forces of the Iraqi régime against innocent defenceless civilian Kuwaitis and nationals of fraternal and friendly countries, including women and children, as well as the Iraqi occupation forces' attacks on places of worship and acts of theft, looting and pillage, which have extended even to hospitals and schools. We further call upon the peoples of the entire world to condemn and denounce these inhumane practices.

4. We declare to the entire world our devotion to the system of government chosen by our people from the outset and approved by succeeding generations. We affirm that all the people of Kuwait - men and women, the elderly, young people and children - stand united as one behind our legitimate leadership, as embodied in our Amir, Sheikh Jaber al-Ahmad al-Sabah, and his Crown Prince, Sheikh Saad al-Abdullah al-Salem al-Sabah (may God protect them both).

5. We pledge to God, to ourselves, to all those of our compatriots who are standing fast in our beloved Kuwait, and to those fighting outside the country, that liberation is our goal, return is our aim, the Amir is our leader, the holy war is our path, national unity is our weapon and death in God's service is our noblest desire, until such time as, with God's help, victory is achieved and we cleanse our land from the infestation of the aggressive invaders.

6. We salute the steadfastness of our compatriots in our beloved Kuwait, their heroic struggle against the wicked occupation forces and their courageous resistance, which is being followed by us and by the entire world with awe and admiration. We commend their sacrifices, which are illuminating our path to liberation, and we assure them that they are not alone in confronting the aggression of the Iraqi clique of oppressors. We all stand united behind them, and we are joined by all peoples which love peace and reject aggression. The latter are assisting and supporting us and massing their forces in solidarity with our struggle to liberate our nation, repel the invaders and drive out the aggressors, in conformity with the words of God Almighty: "O believers, be patient, and vie you in patience; be steadfast; fear God; haply so you will prosper". God Almighty has spoken truly.

READEX FICHE

7. We call upon all members of the Kuwaiti people who are outside our beloved country to do all that they can, to the extent permitted by their situation and their abilities, to liberate our nation and to drive the aggressive invaders from our homes.

8. We declare to the entire world that the people of Kuwait have from the outset been a single family and will, with God's assistance, remain so, united by mutual affection, co-operation, respect and devotion in times of both prosperity and adversity. However much their judgements may differ and their points of view diverge, they remain a single family: love for Kuwait brings their hearts together, and loyalty and dedication to their country unite their positions and their words.

9. We declare to the entire world that there can be no bargaining or negotiation over the sovereignty, independence and territorial integrity of Kuwait. We affirm our categorical rejection of any solution which does not provide for full implementation of the resolutions adopted by the Extraordinary Arab Summit Conference, held at Cairo on 19 Muharram A.H. 1411 (10 August A.D. 1990), and the resolutions of the Security Council, all of which declared their rejection and condemnation of the Iraqi aggression against the independent State of Kuwait and its forcible annexation, insisted on the unconditional withdrawal of Iraqi forces from all Kuwaiti territory and affirmed support for the restoration of Kuwait's legitimate authority.

10. We appeal to the United Nations, its specialized agencies, the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, Arab Red Crescent and Red Cross Societies, Amnesty International, the Commission on Human Rights and all international humanitarian bodies to exert their utmost efforts to persuade the Iraqi régime to reduce the afflictions and inhumane treatment to which Kuwaiti citizens and nationals of other States residing in our country are exposed at the hands of the Iraqi occupation forces. We call upon those bodies to do all in their power to send representatives to protect citizens and residents of Kuwait from the violence, terrorism and harassment meted out by the Iraqi occupation forces.

11. We appeal to the Security Council and the international community to move as quickly as possible to curtail Iraqi measures designed to erase Kuwait's political individuality, efface its historic features and national and cultural identity and alter its demographic structure by forcibly expelling its people and bringing in foreign groups to take their place, to live in their houses and to settle in their homes.

12. We call upon the Security Council to take a decision permitting the international community to use the means at its disposal to enforce Council resolutions in such a way as to ensure the withdrawal of the Iraqi occupation forces from Kuwait and to enable restoration of the legitimate authority. In particular, we urge the five permanent members of the Council, in view of their major responsibilities towards the international community, to take steps to facilitate such a decision.

13. We urge those fraternal Arab States which, for one reason or another, failed to observe the principles of truth and justice by rejecting the act of aggression to reconsider their positions in the light of the teachings of the true Islamic religion, of national principles, of Arab morality and of humanitarian values, to clear their consciences and to join the international consensus which aspires to ensure the victory of what is right and the downfall of what is false. They will undoubtedly recognize in the end that a just and courageous position of principle is both better and more durable.

14. We affirm that the position of certain Palestinian leaders will not affect our unswerving solidarity with the Palestinian people in its just struggle to liberate its homeland and recover its usurped rights, because we are confident that the Palestinian people, with all its sacrifices, standards and principles, cannot be satisfied or convinced by the self-serving position of such leaders, the principal effect of which is to detract from the Palestinian cause, the credibility of the Palestinian struggle and the interests of the Palestinian people itself.

15. We declare that, despite our sorrows and injuries, and the misfortunes and afflictions which have befallen our people as a result of the wicked Iraqi régime's aggression, we do not harbour any grudge against the fraternal people of Iraq, neither do we feel any rancour against them, because we are quite certain that they are helplessly awaiting the hour of their release from the despot of Baghdad and his clique of oppressors, who mistreat them terribly. They dragged the Iraqis into a ruinous and unproductive war against the Muslim people of Iran which claimed the lives of hundreds of thousands among both peoples and eroded their resources and national riches. Now, today, they are dragging the Iraqi people into a hopeless confrontation with the entire world which cannot bring that country's people anything but destruction, ruin and the death of yet more of its sons.

16. We express our deep gratitude to all those fraternal and friendly States and peoples which have stood by Kuwait in opposing the aggression of the treacherous Iraqi régime and supported it in word and in deed. We affirm that succeeding generations of the Kuwaiti people will continue to recall this courageous and just position with appreciation and recognition.

17. We express our profound gratitude to the international community and its peoples, as represented in the United Nations, and particularly in the Security Council, for the resolutions and measures they have taken to repudiate and condemn the Iraqi aggression against Kuwait, to demand the immediate unconditional withdrawal of Iraqi forces from all Kuwaiti territory and to affirm their support for the restoration of Kuwait's legitimate authority. We also applaud the faithful efforts of the Secretary-General of the United Nations, and of representatives of members of the Security Council, in that connection.

18. We express our profound gratitude and appreciation to those fraternal and friendly Arab States - to their leaders, Governments and peoples - which opened their hearts, homes and territories to receive and care for Kuwaiti citizens who were there at the time of the iniquitous Iraqi invasion or who fled to those places subsequently. In saluting the gallantry and generosity which dictated this noble fraternal behaviour, we ask God, on behalf of Kuwait and its people, to reward them most amply.

19. We express our profound gratitude and appreciation to the fraternal Kingdom of Saudi Arabia - to its King, Government and people - for hosting our Congress and providing it with the services and facilities required to convene and conduct it. We pray to God that our meeting in this virtuous land will serve as the auspicious opening of a glorious drive to liberate our homeland and restore our usurped territory.

20. We confirm that, once God has granted us victory over the clique of oppressors and we have liberated our territory from the infestation of the Iraqi régime's wicked occupation, we shall, with God's help and assistance, rebuild our beloved Kuwait ... the Kuwait of the future ... the Kuwait of the single family ... on two principal foundations.

(i) Our society shall be based on established foundations, first and foremost among which is the Islamic nature of our faith and adherence thereto. The new Kuwaiti house must be built on Islamic upbringing, morals and practice such as to educate a generation which believes in the Lord, understands the greatness of Islam, its solid truth and the generosity of Islam in dealings among people and grasps its meaning and sense in each and every aspect. It shall be open to the world and receptive to its innovations, shall through wisdom and good counsel draw others unto God and shall coexist well with others and their beliefs. It shall be affiliated to the Arab community in respect of history, sentiments and higher interests. It shall be humanitarian in manner, shall reject and condemn tyranny and shall support and endorse truth. It shall be a beacon of thought, civilization and dedication, giving of its best to the progress and development of its brothers, its friends and other peoples, and trusting in its humanitarian and civilizing role.

(ii) The Kuwaiti people shall hold fast to its national unity and legitimate system of Government - as chosen and approved by it - based on consultation, democracy and popular participation under the terms of the Constitution adopted in 1962, which is regarded as the protective shield and fundamental guarantee of the community's safety.

God is most great. Glory to Kuwait.

May God be a witness to our words.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21884
17 October 1990

ORIGINAL: ENGLISH

LETTER DATED 17 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF BANGLADESH TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to quote below the text of appeal made by the Heads of State and Government of Bangladesh, Brunei Darussalam, Indonesia, Malaysia, Maldives and Pakistan addressed to President Saddam Hossain urging withdrawal of Iraqi troops from Kuwait:

"We the Heads of State and Government of Bangladesh, Brunei Darussalam, Indonesia, Malaysia, Maldives and Pakistan have been following with grave concern the rapid and unprecedented escalation of tension in the Gulf region and its critical implications for the world, in particular the Islamic Ummah.

"It is a matter of deep distress that the security and stability of the area which have long remained precarious as a result of continued Israeli occupation of Palestine and denial of the inalienable political and human rights of the Palestinian people as well as aggression against Syria and Lebanon have sharply deteriorated as a result of Iraqi military invasion in Kuwait and its subsequent illegal annexation.

'At this difficult moment in our history, we call upon President S[illegible]m Hossain to withdraw Iraqi troops from Kuwait in compliance with relevant Security Council resolutions so that the legitimate Government of Kuwait is restored under the leadership of His Highness Shaikh Jaber Al-Ahmed Al-Jaber Al-Sabah. We commit ourselves to contribute in every way possible to efforts at peacefully settling any outstanding contentious issues between Iraq and Kuwait that may underlie the dispute.

"We earnestly hope that in the true Islamic spirit and for the unity and solidarity of the Ummah our call will receive a positive response from President Saddam Hossain."

I have the further honour to inform you that the President of Bangladesh took the initiative to consult the above Heads of State and Government for the issuance of the appeal.

I should be grateful if the message is circulated as a document of the Security Council.

(Signed) A. H. G. MOHIUDDIN
Ambassador and Permanent Representative

UNITED NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/45/647
S/21885
17 October 1990
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 28
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-fifth year

Letter dated 11 October 1990 from the Permanent Representatives of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua to the United Nations addressed to the Secretary-General

We have the honour to transmit to you the joint communiqué issued by the Presidents of Costa Rica, Guatemala, Honduras and Nicaragua, in support of the initiative by the President of El Salvador, His Excellency Mr. Alfredo F. Cristiani, regarding his Government's preparedness to declare a unilateral cease-fire that would take effect as soon as FMLN takes the same decision.

We should be grateful if you would have this communiqué circulated as an official document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Cristián TATTENBACH IGLESIAS
Ambassador
Permanent Representative of Costa Rica
to the United Nations

(Signed) Ricardo CASTANEDA-CORNEJO
Ambassador
Permanent Representative of El Salvador
to the United Nations

(Signed) Francisco VILLAGRAN DE LEON
Ambassador
Permanent Representative of Guatemala
to the United Nations

(Signed) Roberto FLORES BERMUDEZ
Ambassador
Permanent Representative of Honduras
to the United Nations

(Signed) Roberto MAYORGA-CORTES
Ambassador
Permanent Representative of Nicaragua
to the United Nations

ANNEX

Joint communiqué issued by the Presidents of Costa Rica, Guatemala, Honduras and Nicaragua

We the Presidents of Costa Rica, Guatemala, Honduras and Nicaragua, concerned at the continuing armed conflict in El Salvador, which is a threat to the peace and security of Central America, welcome and support the proposal by the President of El Salvador, Mr. Alfredo F. Cristiani, regarding his Government's preparedness to declare a unilateral cease-fire that would take effect as soon as FMLN takes the same decision. In keeping with the positions stated at the presidential meetings at Tela, Honduras, at San Isidro Coronado, Costa Rica, at Montelimar, Nicaragua, and at Antigua, Guatemala, we reiterate our call to FMLN to declare a unilateral cease-fire as soon as possible, so as to create an atmosphere conducive to a peaceful and democratic settlement in El Salvador.

(Signed) Rafael Angel CALDERON FOURNIER
President of the Republic of Costa Rica

(Signed) Marco Vinicio CEREZO AREVALO
President of the Republic of Guatemala

(Signed) Rafael Leonardo CALLEJAS
President of the Republic of Honduras

(Signed) Violeta BARRIOS de CHAMORRO
President of the Republic of Nicaragua

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/45/650
S/21886
18 October 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 18 October 1990 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued by the Ministry of Foreign Affairs of the Republic of Indonesia on 12 October 1990 regarding Israeli violence towards Palestinian people and settlement of the Arab-Israeli dispute.

I should be most grateful if you would arrange for the present letter and its annex to be circulated as an official document of the General Assembly, under items 23, 35 and 75, and of the Security Council.

(Signed) Nana S. SUTRESNA
Ambassador
Permanent Representative

ANNEX

Statement issued on 12 October 1990 by the Ministry of Foreign Affairs of Indonesia regarding Israeli violence towards Palestinian people and settlement of the Arab-Israeli dispute

On 8 October 1990, Israeli forces indiscriminately shot Palestinian people who had taken to the street protesting against the laying of a stone to construct a place of worship for Jews in the Haram al-Sharif compound in East Jerusalem where the Al-Aqsa Mosque sacred to Muslims is located. As a result over 20 people were killed and 274 injured.

This incident has been a part of the ongoing violence perpetrated by Israeli forces against Palestinians, particularly in the occupied territories of the West Bank and the Gaza Strip. This has been conducted systematically in order to oppress Palestinian people whilst disregarding Security Council resolutions that call for Israeli withdrawal from the occupied territories.

Indonesia condemns such actions as a flagrant violation of the rights of the Palestinian people, the Charter of the United Nations and universal fundamental human rights, and calls on Israel to cease its inhuman actions and abide by the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War.

The Government of Indonesia fully supports the endeavours of the Security Council in finding effective ways and means in order to provide safety and protection for Palestinian civilians and the United Nations initiative to send a mission to gather facts and to investigate the circumstances surrounding the tragedy inflicted upon the Palestinian people.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21887
18 October 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 18 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of Decree-Law No. 3/A/1990 concerning the holding in trust by the State of Kuwait of property belonging to Kuwaitis or residents of Kuwait, and an explanatory note relating thereto.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad ABULHASAN
Permanent Representative

Annex

NOTE RELATING TO DECREE-LAW NO. 3/A/1990 CONCERNING THE HOLDING IN TRUST BY THE STATE OF KUWAIT OF PROPERTY BELONGING TO KUWAITIS OR RESIDENTS OF KUWAIT

The purpose of this Law is to enable the State of Kuwait, represented by its lawful Government headed by His Highness the Crown Prince Saad Al-Abdullah Al-Salem Al-Sabah, to take all necessary measures to protect property belonging to Kuwaitis or residents of Kuwait and to establish the right of the lawful Government to have recourse to foreign administrative and judicial authorities for the purpose of protecting such property. By notifying all Governments concerned, including the Iraqi Government, of this measure, the Government of Kuwait wishes to demonstrate its determination to protect property belonging to public bodies and institutions or to individuals, whether Kuwaitis or residents of Kuwait, from seizure by Iraq.

Decree-Law No. 3/A/1990 concerning the Holding in Trust by the State of Kuwait of Property Belonging to Kuwaitis or Residents of Kuwait

Bearing in mind the Constitution,

In accordance with the edict of the Amir dated 3 July 1986,

In accordance with the edict of the Amir dated 3 August 1990,

Taking into account the occupation of Kuwait by Iraqi forces on Thursday, 2 August 1990,

Bearing in mind the report of the Minister of Justice and Legal Affairs,

Following approval by the Council of Ministers,

The undersigned have promulgated the following Law:

Article 1

Property belonging to Kuwaiti nationals or to non-Kuwaitis domiciled in Kuwait, whether such property is situated inside or outside Kuwait, and whether it belongs to individuals or to bodies corporate, shall be held in trust by the State of Kuwait as represented by its lawful Government, which shall exercise such responsibilities in cases where such property has been lost or has been damaged in any way by the occupation authorities or by the Iraqi Government, or where it has been transferred or appropriated by a third party without the consent of its owners. The purpose of these measures is to protect such property on behalf of its lawful owners.

Article 2

Under the measures set forth in article 1 of this Law, the State of Kuwait as represented by its lawful Government shall have the right to resort, as appropriate, to any judicial, administrative or procedural mechanisms in any State, with a view to protecting the aforementioned property. In particular, the lawful Government shall have the right as trustee to have recourse to the competent administrative or judicial authorities in any State in order to protect the aforementioned property of which it is the rightful owner, in cases where the occupation authorities take possession of, misappropriate or destroy such property during the period of occupation, or dispose of such property directly or indirectly for the benefit of a third party, through, inter alia, measures of expropriation, nationalization or distraint, or any other measure of appropriation or execution taken by the Iraqi Government, its agencies or its public institutions.

The Government of Kuwait has, in particular, the right to order the provisional attachment and distraint of property belonging to the Iraqi Government or to its public bodies or enterprises situated abroad.

Article 3

For the purposes of this Law, property held in trust shall refer to all movable and immovable property, including currency denominated in various national currencies, precious metals, precious stones, securities, including shares, bonds, negotiable instruments, drafts, bank deposits and other instruments, as well as all other property or rights belonging to individuals or to public institutions.

Article 4

After the occupation has ended and the situation has returned to normal, the lawful Government of Kuwait shall adopt the necessary measures to suspend this Law, once the rights of the lawful owners have been restored.

Article 5

This Law shall enter into force on 2 August 1990, the date on which Kuwait was occupied, and shall be published in the Official Gazette and transmitted through the diplomatic channel to the Governments of the other countries.

(Signed) Jaber Al-Ahmad Al-Jaber Al-SABAH
Amir of the State of Kuwait

(Signed) Saad Al-Abdullah Al-Salem Al-SABAH
President of the Council of Ministers

(Signed) Fari Al-Abdullah Al-OTHMAN
Minister of Justice and Legal Affairs

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21887*
22 October 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 18 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of Decree-Law No. 3/A/1990 concerning the holding in trust by the State of Kuwait of property belonging to Kuwaitis or residents of Kuwait, and an explanatory note relating thereto.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad ABULHASAN
Permanent Representative

* Re-issued for technical reasons.

Annex

NOTE RELATING TO DECREE-LAW NO. 3/A/1990 CONCERNING THE HOLDING IN TRUST BY THE STATE OF KUWAIT OF PROPERTY BELONGING TO KUWAITIS OR RESIDENTS OF KUWAIT

The purpose of this Law is to enable the State of Kuwait, represented by its lawful Government headed by His Highness the Crown Prince and Prime Minister Saad Al-Abdulla Al-Salem Al-Sabah, to take all necessary and appropriate measures to protect property belonging to Kuwaitis or residents of Kuwait and to establish the right of the lawful Government to have recourse to foreign administrative and judicial authorities for the purpose of protecting such property. By notifying all Governments concerned, including the Iraqi Government, of this measure, the Government of Kuwait wishes to demonstrate its determination to protect property belonging to it, to its agencies and public institutions or to individuals, whether Kuwaitis or residents of Kuwait, from seizure by the Iraqi occupation authorities.

Decree-Law No. 3/A/1990 concerning the Holding in Trust by the State of Kuwait of Property Belonging to Kuwaitis or Residents of Kuwait

Bearing in mind the Constitution,

And the Amiri Decree dated 3 July 1986,

And the Amiri Decree dated 3 August 1990,

In view of the fact that Kuwait has been occupied by Iraqi forces since Thursday, 2 August 1990,

Bearing in mind the report of the Minister of Justice and Legal Affairs,

Following approval by the Council of Ministers,

The undersigned have promulgated the following Law:

Article 1

Property belonging to Kuwaiti nationals or to non-Kuwaitis domiciled in Kuwait, whether such property is situated inside or outside Kuwait, and whether it belongs to individuals or to bodies corporate, shall be held in trust by the State of Kuwait as represented by its lawful Government, which shall exercise such responsibilities in cases where such property has been lost or has been damaged in any way by the occupation authorities or by the Iraqi Government, or where it has been transferred or appropriated by a third party without the consent of its owners. The purpose of these measures is to protect such property on behalf of its lawful owners.

Article 2

Under the measures set forth in article 1 of this Law, the State of Kuwait as represented by its lawful Government shall have the right to resort, as and when necessary or appropriate, to any judicial, administrative or legal mechanisms in any State, with a view to protecting the aforementioned property. In particular, the lawful Government shall have the right as trustee to have recourse to the competent administrative or judicial authorities in any State in order to protect the aforementioned property of which it is the rightful owner, in cases where the occupation authorities take possession of, damage or destroy such property during the period of occupation, or dispose of such property directly or indirectly for the benefit of a third party, through, inter alia, measures of expropriation, nationalization or distraint, or any other measure of trespass or appropriation taken by the Iraqi Government, its agencies or its public institutions.

The Government of Kuwait has, in particular, the right to order the provisional attachment and distraint of property belonging to the Iraqi Government or to its agencies or public institutions situated abroad.

Article 3

For the purposes of this Law, property held in trust shall refer to all movable and immovable property, including cash denominated in various national currencies, precious metals, precious stones, securities, including shares, bonds, negotiable instruments, accounts receivable, bank deposits and other instruments, as well as all other property or rights belonging to individuals or to public institutions.

Article 4

After the occupation has ended and the situation has returned to normal, the lawful Government of Kuwait shall adopt the necessary measures to suspend this Law, once the rights of the lawful owners have been restored.

Article 5

This Law shall enter into force on 2 August 1990, the date on which Kuwait was occupied, and shall be published in the Official Gazette and transmitted through the diplomatic channel to the Governments of other countries.

(Signed) Jaber Al-Ahmad AL-SABAH
Amir of the State of Kuwait

(Signed) Saad Al-Abdulla Al-Salem AL-SABAH
Prime Minister

(Signed) Dhari Abdullah AL-UTHMAN
Minister of Justice and Legal Affairs

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/45/655
S/21888
19 October 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 19 October 1990 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

The situation in the Palestinian territory occupied by Israel since 1967, including Jerusalem, continues to deteriorate at an alarming pace. Israel, the occupying Power, remains persistent in its violation of human rights, international law and the provisions of the Fourth Geneva Convention, as well as Security Council resolutions.

Since the Al Haram Al Shareef massacre, which took place in Jerusalem on 8 October 1990 and resulted in the killing of 22 and the wounding of hundreds of Palestinians at the hands of Israeli soldiers, Israel, the occupying Power, is still escalating its attacks on unarmed Palestinian civilians.

On 18 October 1990, Palestinians living in Gaza witnessed unbearable measures of repression at the hands of Israeli soldiers, resulting in the wounding of 31 Palestinians from live ammunition, 52 from tear gas-related injuries and 36 from severe beatings. Furthermore, and also on 18 October 1990, a 65-year-old Palestinian woman in Nablus was beaten to death at the hands of Israeli soldiers.

Just today, 19 October 1990, Israeli military forces injured 40 Palestinians in Khan Yunis, Gaza Strip, with live ammunition and rubber bullets.

As is already known, Israel has rejected Security Council resolution 672 (1990) and has refused to receive the mission that was to be sent by the Secretary-General. This, in addition to the aforementioned situation, requires immediate action from the Security Council.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 77, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Alternate Permanent Observer of
Palestine to the United Nations
Chargé d'affaires a.i.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21889
19 October 1990

ORIGINAL: ENGLISH

LETTER DATED 18 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Referring to a recent statement of my Government, circulated on 9 October 1990 as a document of the General Assembly and of the Security Council (A/45/600-S/21857), I have the honour to transmit to you a message from H.E. Mr. Abdul Wakil, Minister for Foreign Affairs of the Republic of Afghanistan, addressed to Your Excellency.

I have further the honour to request that this letter and the message be circulated as a document of the Security Council.

(Signed) Noor Ahmad NOOR
Ambassador
Permanent Representative

Annex

Letter dated 15 October 1990 from the Minister for Foreign Affairs of Afghanistan addressed to the President of the Security Council

Recently, the people of Afghanistan have witnessed the escalation of Pakistani aggression and interference in the internal affairs of their country and the intensification of acts of war and destruction, resulting in the murder of members of the civilian population and the destruction of residential areas and public institutions. Notwithstanding Pakistani claims that the country is not interfering, and has not interfered in the past, in the internal affairs of Afghanistan, irrefutable facts indicate that the country has in reality launched open intervention and aggression against the national sovereignty and territorial integrity of the Republic of Afghanistan.

Recently, Sebghatullah Mujadedi, head of the so-called interim Government based in Pakistan, has disclosed that recent attacks on Kabul City and other strategic cities of Afghanistan have taken place in the framework of a plan drawn up by the military authorities of Pakistan. Sebghatullah Mujadedi adds that the Government of Pakistan is exerting pressure on Afghan opposition groups to participate in these criminal operations, threatening that otherwise they will have to leave the territory of Pakistan. Mujadedi has also disclosed the delivery of 700 truck-loads of new weapons and equipment by Pakistan to the Islamic Party of Gulbuddin Hekmatyar. He has expressed his concern for the increasing involvement of the Pakistani military and its intelligence service in planning, organizing and directing military operations inside Afghanistan, particularly in the operation nicknamed "attack on Kabul". The recent capture of yet another officer of the Pakistani military intelligence dispatched to our country to organize attacks on cities in southern Afghanistan is also proof of that fact.

The above statements very clearly and irrefutably prove that the criminal aggression and interference of the Government of Pakistan in the internal affairs of Afghanistan and its total violation of the Geneva Agreements is a fact. Pakistan is striving to make use of the present situation when the United Nations Security Council is much concerned with the Gulf situation, to make up for the defeat of its designs during the more than 20 months since the withdrawal of Soviet forces from Afghanistan, by intensifying interference and aggression against the Republic of Afghanistan. The intensification of Pakistani interference, which stands in naked contradiction to international law and norms of conduct, as well as to the ongoing process of improvement of relations at the international level, is further complicating the situation in our country and in the region at a time when hopes have been raised for ensuring peace in our country.

As you are aware, Excellency, on the basis of a request by the Republic of Afghanistan, the Security Council at its meetings from 11 to 26 April 1989 considered the question of Pakistani aggression and interference in the internal affairs of Afghanistan and the violation of Geneva Agreements on its part. The facts are that it is the Government of Pakistan that is preventing the solution of the problems of our country, understanding among Afghans and the cessation of the

destructive war and bloodshed in Afghanistan. It is not only continuing its violation of the Geneva agreements it has also intensified the occurrence of such violations. It should be noted in this regard that the armed forces of the Republic of Afghanistan have decisively repelled all kinds of Pakistani aggression against their country and shall continue to do so.

In the light of the above, we ask you, Excellency, to utilize your influence and possibilities to impress upon the Government of Pakistan to put an end to aggression and interference in the internal affairs of our country in the process of restoring peace and tranquillity in Afghanistan, thereby preventing the further deterioration of the situation in our region. We shall greatly appreciate your informing the Government of the Republic of Afghanistan of the steps that you will take in this regard. In case the present situation continues, we shall have no choice but to request another meeting of the Security Council to consider the present grave situation created by Pakistan, based on the deliberations of the previous meeting of the Security Council on the continuation of the Pakistani aggression against the sovereignty and territorial integrity of the Republic of Afghanistan, which does not consider the matter as closed.

I would appreciate it if you could arrange for the distribution of this message as an official document of the Security Council.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21890
19 October 1990
ENGLISH
ORIGINAL: FRENCH

NOTE VERBALE DATED 19 OCTOBER 1990 FROM THE PERMANENT MISSION OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Kingdom of Morocco to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit to him herewith a copy of the final communiqué and recommendations adopted by the Al-Quds Committee at its thirteenth session, held at Rabat on 15 October 1990. He would be grateful if the Secretary-General could have the communiqué circulated as a document of the Security Council.

Annex

Final communiqué and recommendations adopted by the Al-Quds Committee at its thirteenth session, held at Rabat on 15 October 1990

At the end of its deliberations, conducted on Monday at Rabat under the chairmanship of King Hassan II, the thirteenth session of the Al-Quds Committee adopted the final communiqué and the following recommendations:

Following the abominable slaughter perpetrated on Monday, 17 Rabi' I 1411 (8 October 1990) by the Israeli occupying forces, which culminated in the massacre of dozens of martyrs and in the wounding of hundreds of unarmed Palestinians within and around the Al-Aqsa Mosque in the city of Al-Quds al-Sharif, the Al-Quds Committee of the Organization of the Islamic Conference held its thirteenth session at Rabat, capital of the Kingdom of Morocco, on 24 Rabi' I 1411 (15 October 1990). This session, which was held at the invitation of His Majesty King Hassan II of Morocco, Chairman of the Al-Quds Committee, was devoted to an analysis of the alarming situation created by the above-mentioned slaughter, in order to initiate the consultations necessary to deal with the crimes perpetrated by Israel, and to study ways and means of ensuring the necessary protection both for the Palestinian people and for the Holy Places in Al-Quds al-Sharif.

Those taking part in the work of the session were Mr. Yasser Arafat, President of the State of Palestine and Chairman of the Executive Committee of the Palestine Liberation Organization, His Excellency Dr. Hamid Algabid, Secretary-General of the Organization of the Islamic Conference, as well as delegations from the States members of the Committee.

His Majesty King Hassan II opened the session with a comprehensive statement.

His Excellency Mr. Yasser Arafat, President of the State of Palestine and Chairman of the Executive Committee of the Palestine Liberation Organization, then addressed the Committee, followed by His Excellency Dr. Hamid Algabid, Secretary-General of the Organization of the Islamic Conference.

After these addresses, the Committee focused on the critical situation created by this horrible slaughter, and noted that it was Israel's aim to use this new massacre to further the implementation of its settlement plans and to hasten the destruction of the Al-Aqsa Mosque, thereby fulfilling its premeditated intention to Judaize Al-Quds al-Sharif.

The Committee believes that the Israeli Government could not have persisted with its extremist policy of oppression and terrorism without the support which it receives from certain countries.

The Security Council is therefore called upon to continue to treat international questions in accordance with a single criterion based on international legality and the United Nations Charter, thereby strengthening both

the credibility and the effectiveness which the Organization has begun to acquire thanks to the climate of détente and international co-operation.

Having followed the development of the tragic situation in the occupied territories, including Al-Quds al-Sharif, with profound concern, the Al-Quds Committee:

1. Condemns Israel for its slaughter of unarmed Palestinians within the precincts of the Mosque in Al-Quds on Monday, 17 Rabi' I 1411 (8 October 1990), showing utter contempt for the sanctity of that site and for the feelings of more than a billion Muslims throughout the world;

2. Condemns Israel for persisting with its racist and barbarian acts against the unarmed Palestinian people, and with the implementation of its settlement plan in Al-Quds and in all the occupied Palestinian territories, which includes the establishment of new settlements for Soviet Jews emigrating to Israel;

3. Expresses its admiration to the struggling Palestinian people for the sacrifices it remains willing to make to defend its territory and sacred values, and invites the Islamic States to give greater support to the struggle of the Palestinian people and its sacred intifadah in order to increase its capacity for struggle and resistance, and to protect the Holy Places of Islam;

4. Expresses its profound gratitude to all the countries which condemned the massacre perpetrated by Israel at the Al-Aqsa Mosque, pays tribute to the praiseworthy attitude of His Holiness the Pope in condemning that massacre, and expresses its indignation at the tragic and unjust situation prevailing in the city of Al-Quds, which is venerated by the adherents of the three revealed religions;

5. Affirms that the city of Al-Quds is an integral part of the occupied Palestinian territories, and that it is the capital of the State of Palestine. The Committee recalls the resolutions of the Security Council, and in particular resolutions 476 (1980) and 478 (1980) declaring null and void the "basic law" of Israel designating Al-Quds as the unified capital of Israel, as well as all legislative and administrative measures and actions having altered or purporting to alter the character and status of the city of Al-Quds, measures and actions which according to the above-mentioned resolutions must be rescinded forthwith;

6. Affirms that the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 applies to the Arab territor occupied by Israel since 1967, including Al-Quds;

7. Urges the international community to support the Palestinian people in regaining its inalienable national rights, including its right to return to its homeland, its right of self-determination and its right to establish its independent State on its land, with Al-Quds as its capital, under the leadership of its sole legitimate representative, the Palestine Liberation Organization;

8. Vigorously condemns Israel's open defiance of the Security Council and the international community as evinced by its rejection of resolution 672 (1990),

unanimously adopted by the Council on 12 October 1990, dealing with the sending by the United Nations Secretary-General of a commission of inquiry to Al-Quds al-Sharif, following the slaughter of 8 October 1990. The Committee invites the Security Council to impose sanctions on Israel in conformity with the provisions of Chapter VII of the United Nations Charter;

9. Calls on the Islamic countries to exert efforts to induce the Security Council to take measures to put an end to Israel's machinations and ensure the protection of the Palestinian people and the Holy Places in Al-Quds al-Sharif and throughout the occupied territories, including the sending of international observers;

10. Calls on the States members of the Security Council to take diligent action to convene an international peace conference on the Middle East under the auspices of the United Nations, with the participation of all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization and the five permanent members of the Security Council;

11. Reaffirms that the Middle East will never know peace until Israel has withdrawn from all of the occupied Palestinian and Arab territories, including Al-Quds al-Sharif, and until a comprehensive, just and lasting solution is applied to the Palestinian question, which is at the heart of the Arab-Israeli conflict, thus guaranteeing the peace and security of all the countries of the region, including the independent Palestinian State;

12. Requests its Chairman, His Majesty King Hassan II, to enter into contact with the permanent members of the Security Council and with His Holiness the Pope, so as to ensure the international support required to put an end to Israel's machinations and to give impetus to the peace process in the Middle East;

13. Entrusts the Secretary-General of the Organization of the Islamic Conference with the task of contacting the United Nations Educational, Scientific and Cultural Organization in order to work towards the implementation of its resolutions on the preservation of the Islamic heritage of Al-Quds;

14. Affirms the need to hold an Islamic-Christian meeting with the participation of the Vatican, the Eastern Church and other Churches in order to safeguard the identity of the Holy City, its religious and historic character, and its demographic status.

In concluding its work, the Committee expressed its profound gratitude and appreciation to its Chairman, His Majesty King Hassan II, for His Majesty's sustained activity at the international level for the liberation of Al-Quds al-Sharif and all of the occupied Arab territories, in order to provide support and assistance to the struggle and resistance of the Palestinian people.

The Committee also expressed its heartfelt thanks and high esteem to the King, Government and people of Morocco for the warm welcome and hospitality extended to all the delegations.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21891
19 October 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 19 OCTOBER 1990 FROM THE CHARGE D'AFFAIRES, A.I. OF THE PERMANENT MISSION OF SEYCHELLES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Chargé d'Affaires, a.i. of the Permanent Mission of the Republic of Seychelles to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit the following message from Mr. France Albert Rene, President of the Republic of Seychelles.

Annex

Letter dated 15 October 1990 from the President of the Republic of Seychelles addressed to the Secretary-General

I have the honour to refer to your telex dated 8 August 1990, concerning the implementation of Security Council resolution 661 (1990).

The Government of Seychelles has taken measures to fully comply with and implement the provisions of resolution 661 (1990) adopted by the Security Council on 6 August 1990 to impose economic sanctions on Iraq.

The sanctions have had significant adverse consequences for the Seychelles economy.

In particular, Seychelles was previously entirely dependent on the State of Kuwait for its oil supplies under attractive purchase and credit agreements, and following its compliance with resolution 661 (1990), Seychelles has had to purchase oil on the spot market for payment in cash.

Seychelles has been especially affected by the steep rise in the price of oil since it has no alternative sources of energy, and has no oil refineries of its own. In this regard it will be recalled that the price of refined oil has increased to an even greater extent than that of crude oil.

The rise in the price of oil is affecting the Seychelles economy more specifically due to the geographic isolation of the country; its heavy dependence on imports; and the fact that the two main industries, tourism and fishing, depend critically on oil.

The geographic isolation of Seychelles implies relatively high transportation costs, whether by sea or by air. Sea freight charges and insurance for the Indian Ocean region have already increased significantly and have increased the cost of all imports, with a corresponding rise in domestic inflation.

Industrial fishing activity in Seychelles, which was already less buoyant than in 1989, is also being adversely affected by the rise in fuel cost.

Tourism, which is Seychelles largest source of foreign exchange, is being affected in more ways than one by the Gulf crisis and the imposition of economic sanctions. Seychelles, being a long-haul destination, is particularly sensitive to the rise in the cost of air transport. In addition, there is reduced demand for destinations which involve flying over or transitting through the Gulf region, as do most of the flights to Seychelles from Europe, which constitutes over 80 per cent of Seychelles tourism.

Seychelles was previously benefiting from economic co-operation with both Iraq and Kuwait, which have been suspended in each case following Iraq's invasion of Kuwait.

In the case of Iraq, there had been a long-standing agreement in the field of fisheries co-operation, which had not been implemented during the Iran-Iraq war, but which both sides were hoping would have materialized in the near future.

Kuwait for its part has financed several important projects in Seychelles in the past and had recently pledged to co-finance a major water supply project.

In addition to the above economic hardships, Seychelles, in common with other States in the region, had a small number of migrant workers, especially in Kuwait. The majority of these are still in Kuwait and their fate is of concern not only to their families but to the people of Seychelles as a whole.

In view of the foregoing and in accordance with Chapter VII, Article 50, of the Charter of the United Nations, which states that

> "If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems",

the Government of Seychelles deems it necessary to consult the Security Council on this matter with a view to devising appropriate solutions in order to safeguard Seychelles' interests.